

REISSUE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Leonard H. Bieman

Serial No.: Unknown

Filed: Concurrently Herewith

Docket: 139.044US1

Title: SCANNING PHASE MEASURING METHOD AND SYSTEM FOR AN
OBJECT AT A VISION STATION

DECLARATION OF INVENTOR

BOX PATENT APPLICATION

Assistant Commissioner for Patents

Washington, D.C. 20231

I, Leonard H. Bieman, hereby declare as follows:

1. I am a citizen of the United States residing at _____ USA.
2. I believe that I am the original inventor of the invention disclosed and claimed in U.S. Patent No. 5,646,733, issued on July 8, 1997, entitled "SCANNING PHASE MEASURING METHOD AND SYSTEM FOR AN OBJECT AT A VISION STATION," and described and claimed in the accompanying application for which I solicit a reissue patent.
3. I have reviewed and understand the contents of the specification and claims of the reissue application.
4. I do not believe that the invention set forth herein was ever known or used in the United States before the invention thereof by me.
5. I acknowledge the duty to disclose information which is material to the examination to the reissue application in accordance with 37 C.F.R. § 1.56(a).
6. After reading the opinion of outside patent counsel, I believe the above-identified patent

068040-826TF60

DECLARATION OF INVENTOR

Page 2

Application for Reissue of U.S. Patent No. 5,463,616 (Serial No. 08/263,266)

Docket: 400.112US1

Title: METHOD AND APPARATUS FOR ESTABLISHING A FULL-DUPLEX, CONCURRENT, VOICE/NON-VOICE CONNECTION BETWEEN TWO SITES

is partially inoperative by reason of claiming less than I, the inventor, had a right to claim in the patent. Such inoperativeness includes particularly the failure to prosecute and obtain claims commensurate with the scope of new claims 28-85 filed in the reissue application.

7. More particularly, I declare that I believe the claims of the patent were determined to be insufficient to protect the invention disclosed in the specification during a review of the scope of the 5,646,733 patent by Charles A. Lemaire, outside patent counsel for PPT Vision, Inc. being the assignee of the present invention, beginning in approximately September 1997 a part of an investigation of the patent prior to a license and later purchase of the patent from the original assignee, Medar, Inc., and culminating in the reissue application.
8. U.S. application Serial No. 08/593,095 was filed on January 29, 1996 with twenty-seven claims. The claims were rejected under 35 U.S.C. § 103 over Kuchel (5,135,308) in view of Bullock et al. (5,488,478) in a first Office Action mailed 8/13/96.
10. The claims 1 and 14 of U.S. application Serial No. 08/593,095 were amended in an Amendment and Response filed November 12, 1996. The amendment was entered accordingly and the claims as amended issued (some renumbered) as claims 1-27 in U.S. Patent No. 5,646,733.
11. After reading the opinion of outside patent counsel, I now believe that other patentably distinct independent claims are possible for claiming aspects of the invention. The existing independent claims 1 and 14 contain limitations or features which, if eliminated, result in patentably distinct claims. In particular, the requirement of moving at a substantially constant velocity and having substantially uniformly spaced detector elements are unnecessarily limiting and can be deleted without adding new matter.
12. New claim 40 is an independent claim and has eliminated the above-noted limitations

08/263,266-01

DECLARATION OF INVENTOR

Page 3

Application for Reissue of U.S. Patent No. 5,463,616 (Serial No. 08/263,266)

Docket: 400.112US1

Title: METHOD AND APPARATUS FOR ESTABLISHING A FULL-DUPLEX, CONCURRENT, VOICE/NON-VOICE CONNECTION BETWEEN TWO SITES

present in claim 1, but contains other limitations that make it narrower than the original claim 1. New claim 42 is an independent claim and has eliminated the above-noted limitation present in claim 14, but contains other limitations that make it narrower than the original claim 1. Thus these claims avoid the prohibition against recapture of the same or broader scope of cancelled claims (*Ball Corp. v. United States*, 221 USPQ 289,295 (CAFC 1984)).

13. On information and belief, I further declare that the reasons which render U.S. Patent No. 5,646,733 partially inoperative arose without any fraudulent or deceptive intention on my part, and, as the reissue applicant, upon being informed of the significance of the foregoing facts, I concur in the filing of the reissue application by the assignee.

08/26/00 08:26:50

DECLARATION OF INVENTOR

Page 4

Application for Reissue of U.S. Patent No. 5,463,616 (Serial No. 08/263,266)

Docket: 400.112US1

Title: METHOD AND APPARATUS FOR ESTABLISHING A FULL-DUPLEX, CONCURRENT, VOICE/NON-VOICE CONNECTION BETWEEN TWO SITES

14. I further declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true, and further, that these statements are made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the reissue application or any patent issuing thereon.

Dated: _____

Leonard H. Bieman

STATE OF _____)

)ss.

COUNTY OF _____)

On this ____ day of _____, 1997 before me personally appeared Leonard H. Bieman to me known and known to me to be the person described in and who executed the foregoing instrument, and he/she duly acknowledged to me that he/she executed the same for the uses and purposes therein set forth.

[SEAL]

Notary Public

091197B-070899B

REISSUE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Leonard H. Bieman
Serial No.: Unknown
Filed: Herewith
Title: SCANNING PHASE MEASURING METHOD AND SYSTEM FOR AN
OBJECT AT A VISION STATION

Examiner: Unknown
Group Art Unit: Unknown
Docket: 139.032USR

ASSENT BY ASSIGNEE UNDER 37 C.F.R. §1.172
AND POWER OF ATTORNEY

BOX PATENT APPLICATION
Assistant Commissioner for Patents
Washington, D.C. 20231

PPT Vision, Inc., being the Assignee of the entire interest in and to U.S. Patent No. 5,646,733, issued on July 8, 1997, to Leonard Bieman, and entitled "SCANNING PHASE MEASURING METHOD AND SYSTEM FOR AN OBJECT AT A VISION STATION," hereby assents to the reissue of said patent.

Assignee hereby appoints:

Anglin, J. Michael	Reg. No. 24,916
Bianchi, Timothy E.	Reg. No. 39,610
Billion, Richard E.	Reg. No. 32,836
Brennan, Thomas F.	Reg. No. 35,075
Brooks, Edward J., III	Reg. No. 40,925
Clark, Barbara J.	Reg. No. 38,107
Drake, Eduardo E.	Reg. No. 40,594
Dryja, Michael A.	Reg. No. 39,662
Embretson, Janet E.	Reg. No. 39,665
Fogg, David N.	Reg. No. 35,138
Forrest, Bradley A.	Reg. No. 30,837
Hale, Jeffrey D.	Reg. No. 40,012
Harris, Robert J.	Reg. No. 37,346
Hofmann, Rudolph P., Jr.	Reg. No. 38,187
Holloway, Sheryl S.	Reg. No. 37,850
Kalis, Janal M.	Reg. No. 37,650
Klima-Silberg, Catherine L.	Reg. No. 40,052
Kluth, Daniel J.	Reg. No. 32,146
Lacy, Rodney L.	Reg. No. 41,136
Leffert, Thomas W.	Reg. No. 40,697
Lemaire, Charles A.	Reg. No. 36,198
Litman, Mark A.	Reg. No. 26,390
Lundberg, Steven W.	Reg. No. 30,568
McCrackin, Ann M.	Reg. No. P-42,858
Polglaze, Daniel J.	Reg. No. 39,801
Schwegman, Micheal L.	Reg. No. 25,816
Sicffert, Kent J.	Reg. No. 41,312

09111978 070695

Serial Number: Unknown

Filing Date: Herewith

Title: SCANNING PHASE MEASURING METHOD AND SYSTEM FOR AN OBJECT AT A VISION STATION

Slifer, Russell D.
Terry, Kathleen R.
Viksnins, Ann S.
Woessner, Warren D.

Reg. No. 39,838
Reg. No. 31,884
Reg. No. 37,748
Reg. No. 30,440

as its attorneys, with full power of substitution and revocation, to prosecute the reissue application, to make alterations and amendments therein, and to transact all business in the U.S. Patent and Trademark Office in connection therewith, and to receive the Letters Patent. Please direct all communications to the following:

Charles A. Lemaire, Esq.
Schwegman, Lundberg, Woessner & Kluth, P.A.
1600 TCF Tower
121 South Eight Street
Minneapolis, MN 55402
(612) 373-6949

CERTIFICATE UNDER 37 C.F.R. §3.73(b)

PPT Vision, Inc. hereby certifies that it is the assignee of the entire right, title, and interest in U.S. Patent No. 5,646,733 identified above by virtue of an assignment from Medar, Inc. to PPT Vision, Inc., filed in the patent application and recorded on Reel (), Frame (), which right, title, and interest was transferred from the inventor to Medar Inc., as recorded on Reel 7857, Frame 0746. To the best of my knowledge and belief, title is in the assignee, PPT Vision, Inc.

Pursuant to 37 C.F.R. §3.73(b) I hereby declare that I am empowered to sign this certificate on behalf of the assignee, PPT Vision, Inc.

I hereby declare that all statement made herein of my own knowledge are true, and that all statements made on information and belief are believed to true.

Date: 7/8/98

By: Joseph C. Christensen
Title: PRESIDENT

"Express Mail" mailing label number: EM 287 849 544 us

Date of Deposit: 8 July 1998
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231

Printed Name Charles A. Lemaire

Signature Charles A. Lemaire

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SMALL BUSINESS

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 C.F.R. 1.9(f) AND 1.27(c)) - SMALL BUSINESS CONCERN

I hereby declare that I am

a) ☐ the owner of the small business concern identified below:

b) ☐ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: PPT Vision, Inc.
ADDRESS OF CONCERN: 10321 West 70th Street
Eden Prairie, MN 55344

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 C.F.R. 121.3-18, and reproduced in 37 C.F.R. 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled SCANNING PHASE MEASURING METHOD AND SYSTEM FOR AN OBJECT AT A VISION STATION, by inventor described in the specification filed herewith.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 C.F.R. 1.9(c) or by any concern which would not qualify as a small business concern under 37 C.F.R. 1.9(d) or a nonprofit organization under 37 C.F.R. 1.9(e). *NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 C.F.R. 1.27)

NAME _____
ADDRESS _____
a) ☐ INDIVIDUAL b) ☐ SMALL BUSINESS CONCERN c) ☐ NONPROFIT ORGANIZATION

NAME _____
ADDRESS _____
a) ☐ INDIVIDUAL b) ☐ SMALL BUSINESS CONCERN c) ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereof, or any patent to which this verified statement is directed.

NAME Joseph C. Christenson
TITLE President
ADDRESS 10321 West 70th Street, Eden Prairie, MN 55344-3446
SIGNATURE Joseph C. Christenson DATE 7/8/98